

REMARKS

Claims 1 to 86 were pending in the application at the time of examination.

The specification has been amended to correct minor typographical and grammatical errors and to properly reflect the status of the U.S. Patent Applications cited therein.

Claims 1, 21, 26 and 29-86 have been amended. Applicants submit the amendments are supported in the application as filed, and that no new matter has been added.

More particularly, Claims 29-77 have been amended to recite a "computer implemented" method.

Claims 78, 80, and 86 have been amended to recite a "computer-readable storage medium".

Claims 79 and 81-85 have been amended to recite a "computer based" structure.

Claims 49, 57 and 59 have been further amended to correct a minor typographical error by replacing a semicolon with a colon.

Claim 65 has been further amended to correct a minor typographical error by adding a colon.

Claims 1, 21, 29, 78, and 79 have been further amended to clarify "configuration object". Claims 33, 80, and 81 have been further amended to clarify "first configuration object". Claim 49 has been further amended to correct a minor typographical error and to clarify "configuration object inheritance chain." Applicants submit support for the amendments can be found in the specification as filed, for example, at least at page 18, lines 8-14, and page 60, lines 12-13.

Claims 26, 65, and 86 have been further amended to clarify "setting object". Applicants submit support for the amendments can be found in the specification as filed, for example, at least at page 18, lines 24-26, and page 34, lines 8-28.

Applicants respectfully request entry of the amendments and remarks herein and reconsideration of the application.

Claims 1-86 are presented for examination.

Objection to the Summary of the Invention

In the Office Action at page 2, the Examiner states:

The summary of the invention of the disclosure is objected to because summary of the invention is reciting same language as claim limitations. Correction is required. See MPEP §608.01(b).

Applicants respectfully traverse the objection to the Summary of the Invention.

Applicants respectfully submit that the Examiner's citation to MPEP §608.01(b) is concerned with the Abstract of the Invention and not the Summary of the Invention. Rather, MPEP §608.01(d) is the relevant section of the MPEP covering the Summary of the Invention.

With regard to the Summary of the Invention, 37 C.F.R. §1.73 states:

A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, should precede the detailed description. **Such summary should, when set forth, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed.**

37 C.F.R. §1.73, Rev. 5, Aug. 2006 (bold emphasis added)

Further, with regard to the Brief Summary of Invention, MPEP §608.01(d) states in part:

...the summary should be directed to the specific invention being claimed, in contradistinction to mere generalities which would be equally applicable to numerous preceding patents. That is, the subject matter of the invention should be described in one or more clear, concise sentences or paragraphs.... **The brief summary of invention should be consistent with the subject matter of the claims.**

Manual of Patent Examining Procedure §608.01(d), Rev. 5, Aug. 2006 (bold emphasis added)

Applicants submit that neither MPEP §608.01(d) nor 37 C.F.R. §1.73 support the Examiner's objection to Applicants' Summary of the Invention. Indeed, 37 C.F.R. §1.73 describes that the summary should be commensurate with the invention "as claimed"; and, MPEP §608.01(d) states that the brief summary of the invention should be "consistent with the subject matter of the claims".

Based on the above remarks, Applicants submit the Summary of the Invention adheres to the direction set out in both 37 C.F.R. §1.73 and MPEP §608.01(d) and should be accepted by the Examiner. Applicants respectfully request reconsideration of the Summary of the Invention and withdrawal of the objection to the Summary of the Invention.

Rejections under 35 U.S.C. §101

In the Office Action at page 4, the Examiner states:

Claims 1-86 are rejected under 35 USC 101 because they disclose a claimed invention that is an abstract idea as defined in the case *In re Warmerdam*, 33, F 3d 1354, 31 USPQ 2d 1754 (Fed. Cir. 1994).

Analysis: Claims 1-86 disclosed by the applicant as being a "computer memory structure and method...".

Since the claims are each a series of steps to be performed on a computer the processes must be analyzed to determine whether they are statutory under 35 USC 101.

Examiner interprets that the claims 1-86 are non-statutory because they recites configuration object, a key filed, setting pointer etc. and manipulation of string and objects for memory to lay out data structure for memory manipulation without producing nay concrete and tangible results so its functionality can be realized. Therefore, claims 1-86 are non-statutory and rejected under 35 USC 101.

Analysis: Examiner interprets that claims 78-86 are not limited to tangible embodiments. Claims 78-86 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 74 lines 15-34 the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., [computer readable medium]) and intangible embodiments (e.g., [transmission media, radio frequency (RF), infrared (IR), a carrier wave, telephone line, a signal, etc.]). As such, the claim is not limited to statutory subject matter and is therefore non-statutory. To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media. For the specification at the bottom, carrier medium and transmission media would not be statutory but storage media would be statutory. (bold emphasis added)

Applicants respectfully traverse the §101 rejections of Claims 1-86.

Applicants respectfully point out that of the rejected claims, Claims 1-28 and 78-86 are directed to structures. More particularly, Claims 1-28 are directed to a "computer memory structure". A computer memory structure is clearly a structure of a computer and thus is a tangible, non-abstract structure. Claims 79 and 81-85 are directed to a "computer based structure". A computer based structure is clearly a structure of a computer, again, a tangible, non-abstract structure. Claims 78, 80, and 86 are directed to a "computer program product comprising a computer-readable storage medium containing computer program code", and thus is a tangible, non-abstract product.

Accordingly, Applicants submit Claims 1-28, and 78-86 recite statutory subject matter and overcome the Examiner's rejections under §101. Applicants respectfully request reconsideration and withdrawal of the §101 rejection of Claims 1-28 and 78-86.

With regard to the remaining Claims 29-77 rejected under §101, Applicants have amended Claims 29-77 to clarify for the benefit of the Examiner that the methods are "computer implemented". Further, Applicants submit that Claims 29-77 recite a physical transformation -- a combination of information -- that generates a useful, tangible and concrete result. For example, with reference to Claims 29-32, a derived configuration object is a useful, tangible, and concrete result. With reference to Claims 33-48, a first configuration object for a managed product linked with a setting object for the managed product is a useful, tangible, and concrete result. With reference to Claims 49-64, an effective configuration at a point in time for a managed product is a useful, tangible, and concrete result. With reference to Claims 65-77, a setting object is a useful, tangible, and concrete result. Accordingly, Applicants submit Claims 29-77 recite statutory subject matter and overcome the Examiner's rejections under §101. Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 29-77 under 35 U.S.C. §101.

Rejections under 35 U.S.C. §112

In the Office Action at page 5, the Examiner states:

Claims 1-86 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP §2172.01. The omitted elements are: generating link between key filed, setting object pointer, operation between pointer and object, retrieval etc.

Applicants respectfully traverse the rejections of Claims 1-86 under 35 U.S.C. §112.

35 U.S.C. §112, second paragraph, states in part:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

35 U.S.C. §112, Rev. 3, August 2005

With regard to the requirements of 35 U.S.C. §112, second paragraph, MPEP §2171 states:

There are two separate requirements set forth in this paragraph:

(A) the claims must set forth the subject matter that applicants regard as their invention; and

(B) the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

Manual of Patent Examining Procedure §2171, Rev. 5, Aug. 2006

In citing to MPEP §2172.01, the Examiner has indicated that he views the Claims as failing to meet the first requirement of §112, second paragraph, which is addressed by MPEP §2172, entitled Subject Matter Which Applicants Regard as Their Invention, and more particularly by MPEP §2172.01, entitled Unclaimed Essential Matter.

MPEP §2172(I) states in part:

A rejection based on failure to satisfy this requirement is appropriate only where Applicant has stated, somewhere other than in the application as filed, that the invention is something different from what is defined by the claims. In other words, the invention set forth in the claims must be presumed, in the absence of evidence to the contrary, to be that which applicants regard as their invention. In re Moore, 439 F.2d 1232, 169 USPQ 236 (CCPA 1971).

Manual of Patent Examining Procedure, §2172 (I), Rev. 5, Aug. 2006

Applicants submit the Examiner has offered no evidence that Applicants' invention as claimed is something different from what is defined by the claims (see also MPEP §2172(II)). Thus the Examiner has failed to set forth "evidence to the contrary" as required in MPEP §2172(I) and thus the rejection under §112 is not supported in the Office Action.

Further, Applicants respectfully bring to the Examiner's attention that MPEP §2172.01 notes, citing to *Ex parte Huber*, 148 USPQ 447, 448-49 (Bd. Pat. App. 1965):

A claim does not necessarily fail to comply with 35 U.S.C. 112, second paragraph where the various elements do not function simultaneously, are not directly functionally related, do not directly intercooperate, and/or serve independent purposes.

Manual of Patent Examining Procedure, §2172.01, Rev. 5, Aug. 2006

Accordingly, based on the above remarks, Applicants submit that Claims 29-77 particularly point out and distinctly claim the invention and overcome the Examiner's rejections under §112. Applicants respectfully request reconsideration and withdrawal of the rejections of Claims 1-86 under 35 U.S.C. §112.

Rejections under 35 U.S.C. §102(e)

In the Office Action at page 6, the Examiner states:

Claims 1-5, 8, 16-19, 21, 22, 25-27, 29-34, and 41-86 are rejected under 35 U.S.C. 102(e) as being anticipated by *Sangudi et al* USPN 6,925,470.

Claims 1, 21, 26 and 29 are not anticipated by and are patentable over Sangudi

Claim 1

Applicants respectfully traverse the anticipation rejection of Claim 1.

To anticipate a claim, the MPEP directs:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

MPEP 2131, 8th Edition, Rev. 5, pg. 2100-67 (Aug. 2006).

With regard to independent Claims 1, 21, 26, and 29, in the Office Action at page 6, the Examiner states:

*Regarding claims 1, 21, 26 and 29
Sangudi et al teaches*

a key field (figure 15, column 8, lines 1-8, "the key field...documentation"; and a setting object pointer attribute (figures 18, 19, column 12, lines 45-48).

Applicants respectfully submit that with reference to the Examiner's citations, Sangudi, column 8, lines 1-8 describes:

In the key field, pk denotes primary key and here the primary key is the document_id field. Type refers to the type of data supported, for example, number data, string data, character large object(s) (clob) data, and binary large objects(s) (blob) data. The nulls field indicates information as to whether the respective data may be null. The comment field has some additional documentation.

Further, Sangudi, column 12, lines 45-48, in Claim 1 describes:

(b) grouping at least one XML node and possible any sub-node into a relationship selected from the group consisting of linked list, array of object, and chunk....

Applicants respectfully submit that the cited references to Sangudi are generally directed to representing an XML data structure as a fixed set of tables in a relational database (Sangudi, Abstract). The first citation relied on by the Examiner is extracted from a description of FIG. 15, which illustrates storage of each XML document as a LOB where the entire document is stored in only one database row (Sangudi, col. 7, lines 54-66). The first citation merely describes that "pk" in the key field denotes a primary key that can be a document_id field.

The second citation relied on by the Examiner is extracted from Claim 1 of Sangudi, the preamble of which states "A method for representing an extensible Markup Language (XML) data structure as a fixed set of tables in a relational database (RDB)..." (Sangudi, col. 12, lines 41-43). The second citation merely describes that an XML node and possibly any sub-node can be placed in a relational group.

In contrast, Applicants' Claim 1 recites in part:

...a configuration object, said configuration object representing a certain behavior or desired functional state for a software feature of a managed product....

Applicants respectfully submit the above citations to Sangudi relied on by the Examiner do not teach or suggest at least a "configuration object representing a certain behavior or desired functional state for a software feature of a managed product" as recited in part in Applicants' Claim 1 (emphasis

added). A "configuration object" is a specific claim element which is described in Applicants' specification, see for example at least, page 18, lines 8-14, and page 28, line 24 through page 33, line 5.

For at least the above reasons, Applicants submit the references to Sangudi relied on by the Examiner fail to anticipate Claim 1, and that Claim 1 is patentable over Sangudi. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 1.

Claims 2-20 depend from Claim 1 and so distinguish over Sangudi for at least the same reasons as given above for Claim 1, which are herein incorporated by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 2-5, 8, and 16-19.

Applicants respectfully bring to the Examiner's attention that Claims 9-15 were not specifically identified as rejected under 102(e), however, Applicants respectfully submit that as Claims 9-15 depend from Claim 1, for at least the same reasons as given above for Claim 1, which are herein incorporated by reference, Claims 9-15 also distinguish over Sangudi.

Claim 21

Applicants respectfully traverse the anticipation rejection of Claim 21.

Applicants' Claim 21 recites in part:

...a configuration object, said configuration object representing a certain behavior or desired functional state for a software feature of a managed product....

Based on at least Applicants' remarks presented with reference to the anticipation rejection of Claim 1, herein incorporated by reference, Applicants respectfully submit the above citations to Sangudi relied on by the Examiner do not teach or suggest at least a "configuration object representing

a certain behavior or desired functional state for a software feature of a managed product" as recited in part in Applicants' Claim 21.

For at least the above reasons, Applicants submit the references to Sangudi relied on by the Examiner fail to anticipate Claim 21, and that Claim 21 is patentable over Sangudi. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 21.

Claims 22-25 depend from Claim 21 and so distinguish over Sangudi for at least the same reasons as given above for Claim 21, which are herein incorporated by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 22 and 25.

Claim 26

Applicants respectfully traverse the anticipation rejection of Claim 26.

Applicants' Claim 26 recites in part:

...a setting object, said setting object including data for a setting for a software feature of a managed product...

Based on at least Applicants' remarks presented with reference to the anticipation rejection of Claim 1, herein incorporated by reference, Applicants respectfully submit the above citations to Sangudi relied on by the Examiner do not teach or suggest at least a "setting object including data for a setting for a software feature of a managed product" as recited in part in Applicants' Claim 26 (emphasis added). A "setting object" is a specific claim element that is described in Applicants' specification, see for example at least, page 18, lines 24-26, and page 32, line 9 through page 35, line 23.

For at least the above reasons, Applicants submit the references to Sangudi relied on by the Examiner fail to anticipate Claim 26, and that Claim 26 is patentable over

Sangudi. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 26.

Claims 27-28 depend from Claim 26 and so distinguish over Sangudi for at least the same reasons as given above for Claim 26, which are herein incorporated by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 27.

Claim 29

Applicants respectfully traverse the anticipation rejection of Claim 29.

Applicants' Claim 29 recites in part:

...specifying a configuration for a managed product using a configuration object, said configuration object representing a certain behavior or desired functional state for a software feature of said managed product....

Based on at least Applicants' remarks presented with reference to the anticipation rejection of Claim 1, herein incorporated by reference, Applicants respectfully submit the above citations to Sangudi relied on by the Examiner do not teach or suggest at least a "configuration object representing a certain behavior or desired functional state for a software feature of said managed product" as recited in part in Applicants' Claim 29. For at least the above reasons, Applicants submit the references to Sangudi relied on by the Examiner fail to anticipate Claim 29, and that Claim 29 is patentable over Sangudi. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 29.

Claims 30-32 depend from Claim 29 and so distinguish over Sangudi for at least the same reasons as given above for Claim 29, which are herein incorporated by reference. Applicants

respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 30-32.

Claims 33 and 80-82 are not anticipated by and are patentable over Sangudi

With regard to independent Claims 33 and 80-82, in the Office Action at page 7, the Examiner states:

Regarding claims 33 and 80-82

Sangudi et al teaches

using a string in a setting object to specify a setting for a managed product (column 8, lines 3-11, "type refers...data models"); and

linking setting object to a first configuration object for managed product (figure 17, column 8, lines 33-50, "a logical data...associated fields").

Claim 33

Applicants respectfully traverse the anticipation rejection of Claim 33.

Applicants' Claim 33 recites in part:

...using a string in a setting object to specify a setting for a managed product; and

linking said setting object to a first configuration object for said managed product, said first configuration object representing a certain behavior or desired functional state for a software feature of said managed product.

Based on at least Applicants' remarks presented with reference to the anticipation rejection of Claim 1, herein incorporated by reference, Applicants respectfully submit the first citation to Sangudi relied on by the Examiner does not teach or suggest at least a "first configuration object representing a certain behavior or desired functional state for a software feature of said managed product" as recited in part in Applicants' Claim 33.

With regard to the second citation to Sangudi at col. 8, lines 33-50 relied on by the Examiner, this citation to Sangudi is extracted from a discussion of Fig. 17 and a logical data model using linked lists to map to tables. Indeed, the citation merely describes that the linked lists approach supports four objects, namely, node, edge, class and namespace. As such, the second citation to Sangudi also does not teach or suggest at least a "first configuration object representing a certain behavior or desired functional state for a software feature of said managed product" as recited in part in Applicants' Claim 33 (emphasis added).

For at least the above reasons, Applicants submit the references to Sangudi relied on by the Examiner fail to anticipate Claim 33, and that Claim 33 is patentable over Sangudi. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 33.

Claims 34-48 depend from Claim 33 and so distinguish over Sangudi for at least the same reasons as given above for Claim 33, which are herein incorporated by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 34, and 41-48.

Claim 80

Applicants respectfully traverse the anticipation rejection of Claim 80.

Applicants' Claim 80 recites in part:

...using a string in a setting object to specify a setting for a managed product; and

linking said setting object to a first configuration object for said managed product, said first configuration object representing a certain behavior or desired functional state for a software feature of said managed product.

Claim 80 stands rejected based on the same rationale given for Claim 33. Similar to Claim 33, Claim 80 recites "said

first configuration object representing a certain behavior or desired functional state for a software feature of said managed product". Accordingly, the above comments with respect to Claim 33 are applicable to Claim 80, which are herein incorporated by reference. For at least the above reasons, Applicants submit the references to Sangudi relied on by the Examiner fail to anticipate Claim 80, and that Claim 80 is patentable over Sangudi. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 80.

Claim 81

Applicants respectfully traverse the anticipation rejection of Claim 81.

Applicants' Claim 81 recites in part:

...means for using a string in a setting object to specify a setting for a managed product; and
means for linking said setting object to a first configuration object for said managed product, said first configuration object representing a certain behavior or desired functional state for a software feature of said managed product.

Claim 81 stands rejected based on the same rationale given for Claim 33. Similar to Claim 33, Claim 81 recites "said first configuration object representing a certain behavior or desired functional state for a software feature of said managed product". Accordingly, the above comments with respect to Claim 33 are applicable to Claim 81, which are herein incorporated by reference. For at least the above reasons, Applicants submit the references to Sangudi relied on by the Examiner fail to anticipate Claim 81, and that Claim 81 is patentable over Sangudi. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 81.

Claim 82

Applicants respectfully traverse the anticipation rejection of Claim 82.

Claim 82 recites in part:

...means for getting a mark-up language string for a most-derived configuration object; and

means for converting said mark-up language string for said most-derived configuration object to a derived tree structure having nodes wherein a plurality of nodes in said derived tree structure include collision detection names.

Claim 82 stands rejected based on the same rationale given for Claim 33. Based on at least Applicants' remarks presented with reference to the anticipation rejection of Claim 33, herein incorporated by reference, Applicants respectfully submit the citations to Sangudi relied on by the Examiner do not teach or suggest at least a "most-derived configuration object" as recited in part in Applicants' Claim 82.

For at least the above reasons, Applicants submit the references to Sangudi relied on by the Examiner fail to anticipate Claim 82, and that Claim 82 is patentable over Sangudi. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 82.

Claims 83-85 depend from Claim 82 and so distinguish over Sangudi for at least the same reasons as given above for Claim 82, which are herein incorporated by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 83-85.

Claims 49, 78, and 79 are not anticipated by and are patentable over Sangudi

With regard to independent Claims 49, 78, and 79, in the Office Action at page 7, the Examiner states:

Regarding claims 49, 78 and 79

Sangudi et al teaches

Generating an effective configuration fro managed product from a configuration inheritance chain (column 8, figure 16, lines 12-32, "logical data model...primary key").

Claim 49

Applicants respectfully traverse the anticipation rejection of Claim 49.

Claim 49 recites in part at least:

...generating an effective configuration for a managed product from a configuration object inheritance chain, said configuration object inheritance chain comprising:

a configuration object, said configuration object representing a certain behavior or desired functional state for a software feature of said managed product; and

a derived configuration object.

Based on at least Applicants' remarks presented with reference to the anticipation rejections of Claims 1 and 33, herein incorporated by reference, Applicants respectfully submit the citations to Sangudi relied on by the Examiner do not teach or suggest at least a "configuration object representing a certain behavior or desired functional state for a software feature of said managed product" or a "configuration object inheritance chain" as recited in part in Applicants' Claim 49.

As such, Applicants submit the references to Sangudi relied on by the Examiner fail to anticipate Claim 49, and that Claim 49 is patentable over Sangudi. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 49.

Claims 50-64 depend from Claim 49 and so distinguish over Sangudi for at least the same reasons as given above for Claim 49, which are herein incorporated by reference. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 50-64.

Claim 78

Applicants respectfully traverse the anticipation rejection of Claim 78.

Applicants' Claim 78 recites in part:

...specifying a configuration for a managed product using a configuration object, said configuration object representing a certain behavior or desired functional state for a software feature of said managed product; and
representing a modification to said configuration for said managed product using a derived configuration object of said configuration object.

Based on at least Applicants' remarks presented with reference to the anticipation rejection of Claims 1 and 33, herein incorporated by reference, Applicants respectfully submit the citations to Sangudi relied on by the Examiner do not teach or suggest at least "said configuration object representing a certain behavior or desired functional state for a software feature of said managed product" as recited in part in Applicants' Claim 78.

For at least the above reasons, Applicants submit the references to Sangudi relied on by the Examiner fail to anticipate Claim 78, and that Claim 78 is patentable over Sangudi. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 78.

Claim 79

Applicants respectfully traverse the anticipation rejection of Claim 79.

Applicants' Claim 79 recites in part:

...means for specifying a configuration for a managed product using a configuration object, said configuration object representing a certain behavior or desired functional state for a software feature of said managed product; and

means for representing a modification to said configuration for said managed product using a derived configuration object of said configuration object.

Claim 79 stands rejected based on the same rationale given for Claim 78. Similar to Claim 78, Claim 79 recites "said configuration object representing a certain behavior or desired functional state for a software feature of said managed product". Accordingly, the above comments with respect to Claim 78 are applicable to Claim 79, which are herein incorporated by reference. For at least the above reasons, Applicants submit the references to Sangudi relied on by the Examiner fail to anticipate Claim 79, and that Claim 79 is patentable over Sangudi. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 79.

Claims 65 and 86 are not anticipated by and are patentable over Sangudi

With regard to independent Claims 65 and 86, in the Office Action at page 7, the Examiner states:

Regarding claims 65 and 86
Sangudi et al teaches

using an extensible markup language string in a setting object to specify a setting for a managed product (figure 15, column 7, lines 54-66, "logical data ...XML document");

including a name attribute in at least one start tag in a XML string (column 4, lines 32-52, "XML document...").

Claim 65

Applicants respectfully traverse the anticipation rejection of Claim 65.

Applicants' Claim 65 recites in part:

...using an extensible markup language string in a setting object to specify a setting for a managed product, said setting object including data for a setting for a software feature of said managed product.

As earlier discussed with reference to the anticipation rejection of Claim 26, hereby incorporated by reference, the first citation to Sangudi at col. 7, lines 54-66 is extracted from a description of FIG. 15, which illustrates storage of each XML document as a LOB where the entire document is stored in only one database row (Sangudi, col. 7, lines 54-66). Indeed, the citation continuing at line 65 describes that "(h)ere there only one object supported and it is a document, such as an XML document". As such, the first citation to Sangudi does not teach or suggest at least "said setting object including data for a setting for a software feature of said managed product" as recited in part in Applicants' Claim 65.

With regard to the second citation to Sangudi at col. 4, lines 32-52 relied on by the Examiner, this citation to Sangudi is extracted from a discussion of Fig. 7 which illustrates a simplified XML document. Indeed, the citation merely describes a listing of XML document object model (DOM) node types, none of which teach or suggest a "setting object including data for a setting for a software feature of said managed product" as recited in part in Applicants' Claim 65.

For at least the above reasons, Applicants submit the references to Sangudi relied on by the Examiner fail to anticipate Claim 65, and that Claim 65 is patentable over Sangudi. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 65.

Claims 66-77 depend from Claim 65 and so distinguish over Sangudi for at least the same reasons as given above for Claim 65, which are herein incorporated by reference. Applicants

respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 66-77.

Claim 86

Applicants respectfully traverse the anticipation rejection of Claim 86.

Applicants' Claim 86 recites in part:

...using an extensible markup language string in a setting object to specify a setting for a managed product, said setting object including data for a setting for a software feature of said managed product.

Claim 86 stands rejected based on the same rationale given for Claim 65. Similar to Claim 65, Claim 86 recites at least "said setting object including data for a setting for a software feature of said managed product". Accordingly, the above comments with respect to Claim 65 are applicable to Claim 86, which are herein incorporated by reference. For at least the above reasons, Applicants submit the references to Sangudi relied on by the Examiner fail to anticipate Claim 86, and that Claim 86 is patentable over Sangudi. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 86.

Rejections under 35 U.S.C. §103(a)

In the Office Action at page 9, the Examiner states:

Claims 6-7, 17-20, 23, 24, 28 and 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sangudi et al* USPN 6,925,470 is taken with *Baer et al* USPN 6,986,102.

Regarding claim 6, 7, 17-20, 23, 24, 28 and 35-40

Sangudi et al teaches revision filed (figures 15-16, column 7, lines 54-66, "a logical data...XML document). *Sangudi et al* does not teach explicitly timestamp." However, *Baer et al* teaches (column 19, see table, lines 48-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate timestamp in configuration object. The modification would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching into sequence revision filed to time when revision was done for accuracy and tracking.

Claims 6-7, 17-20, 23, 24, 28, and 35-40 are not obvious in view of and are patentable over the combination of Sangudi and Baer

Applicants respectfully traverse the obviousness rejections of Claims 6-7, 17-20, 23, 24, 28, and 35-40.

Initially, Applicants wish to bring to the Examiner's attention that Claims 18-20 are not concerned with a "sequence revision field" or a "time stamp". Applicants respectfully submit that at least on this basis alone claims 18-20 should not be rejected as obvious under the current obviousness rejection. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of Claims 18-20.

Claims 6-7 and 17-20 depend directly or indirectly from Claim 1 which recites in part at least "a configuration object, said configuration object representing a certain behavior or desired functional state for a software feature of a managed product". Claims 23 and 24 depend directly from Claim 21 which also recites in part at least "a configuration object, said configuration object representing a certain behavior or desired functional state for a software feature of a managed product". Claim 28 depends directly from Claim 26 which recites in part at least "a setting object, said setting object including data for a setting for a software feature of a managed product". Claims 35-40 depend directly or indirectly from Claim 33 which recites

in part at least "said first configuration object representing a certain behavior or desired functional state for a software feature of said managed product".

Accordingly, Applicants respectfully submit that for the reasons earlier presented with regard to the anticipation rejections of Claims 1, 21, 26, and 33, hereby incorporated by reference, respectively Claims 6-7 and 17-20, 23 and 24, 28, and 35-40 are not anticipated by Sangudi.

Further, as the independent Claims 1, 21, 26, and 33 were not rejected as obvious in view of the combination of Sangudi and Baer, Applicants submit that at least on this basis alone the respective dependent Claims 6-7, 17-20, 23, 24, 28, and 35-40 are also not obvious as they incorporate at least the elements of the respective parent independent claim.

Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of Claims 6-7, 17-20, 23, 24, 28, and 35-40.

Alternatively, should the Examiner disagree, with respect to the Examiner's citation to Sangudi, Sangudi at col. 7, lines 54-66 describes in part:

FIG. 15 illustrates one embodiment 1500 of a logical data model using documents, such as XML, to map to a table, for example, in a relational database (RDB). This example is coarse grained because it is a simple data model that stores each XML document as a Large Object(s) (LOB). The grouping feature is implemented using a separate set of tables (not shown). This data model supports fast update and retrieval, because an entire document is stored in only one database row. Support for a structured search would require loading and/or parsing the entire document. As can be seen in FIG. 15 the columns are object, field, key, type, nulls, and comment. Here there is only one object supported and it is a document, such as an XML document.

As earlier discussed with regard to the anticipation rejection of Claim 1 the above citation to Sangudi is extracted

from a description of FIG. 15, which illustrates storage of each XML document as a LOB where the entire document is stored in only one database row. Indeed the above citation describes "...the columns are object, field, key, type, nulls, and comment..." and thus does not describe or suggest a "sequence revision field".

The citation to Baer at col. 19, table, lines 48-50 merely describes time stamp descriptors of index class attribute names "CreatorTS" and "LastModifiedTS" and thus does not cure the deficiencies of Sangudi as the index class attribute name does not describe or suggest a "sequence revision field" of either a "configuration object" or a "setting object" as earlier discussed.

As Claims 6-7, 17, 23, 24, 28, and 35-40 recite or depend directly or indirectly from a claim reciting a "sequence revision field", Applicants respectfully submit Claims 6-7, 17, 23, 24, 28, and 35-40 are not obvious in view of and are patentable over the combination of Sangudi and Baer. Applicants respectfully request reconsideration and withdrawal of the obviousness rejections of Claims 6-7, 17, 23, 24, 28, and 35-40.

Conclusion

Claims 1-86 remain in the application. For the foregoing reasons, Applicants respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

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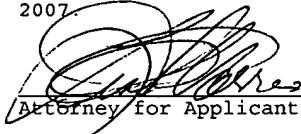
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Request for Examiner Interview

Should the Examiner be of the opinion that this amendment does not place the Application in a condition for allowance, Applicants respectfully request an Examiner interview prior to issuance of the next communication from the USPTO to expedite prosecution.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 8, 2007.


Attorney for Applicant(s)

February 8, 2007
Date of Signature

Respectfully submitted,



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